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May 9, 2023

**VIA ECF**

Hon. José R. Almonte, U.S.M.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

***RE: Pacira Pharmaceuticals, Inc. et al. v. eVenus Pharmaceuticals Labs, Inc., et al.***  
***No. 2:21-cv-19829-MCA-JRA***

Dear Judge Almonte:

We represent Defendants in the above-referenced matter.

Defendants seek leave pursuant to Local Patent Rule 3.7 to amend their non-infringement contentions based on a recent amendment to Defendants' Abbreviated New Drug Application ("ANDA") No. 214348, the ANDA that is the subject of this litigation. Defendants believe their proposed amendments satisfy the Rule's requirements of both timeliness and good cause pursuant to L. Pat. R. 3.7(c). Plaintiffs do not object. The parties have agreed upon a schedule for Defendants to serve their Amended Non-Infringement Contentions and for Plaintiffs to amend their responsive infringement contentions in response to Defendants' amended non-infringement contentions.

Thus, Defendants respectfully request that the schedule be amended to reflect that Defendants may serve their Amended Non-Infringement Contentions within one business day after the Court has ordered this amendment to the schedule. The parties further request that Plaintiffs may serve their Responses to Defendants' Amended Non-Infringement Contentions no later than May 26, 2023.

If this proposal is acceptable to the Court we respectfully request that you enter your "So Ordered" on this letter and forward it to the Clerk for filing.

We thank the Court for its attention to these matters.

Respectfully submitted,

/s/ Eric I. Abraham

ERIC I. ABRAHAM

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The proposed schedule amendment where Defendants must serve their Amended Non-Infringement Contentions within one day after this schedule amendment is ordered by the Court, and where Plaintiffs must serve their responses to Defendants' Amended Non-Infringement Contentions by May 26, 2023, herein is **SO ORDERED** on this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Hon. José R. Almonte, U.S.M.J